



Application No.: 09/820,077
Amendment dated: June 2, 2003
Reply to Office Action of: March 4, 2003

MAT-8117US

Remarks/Arguments:

The pending claims are 1-6, 8-14. Claims 6 and 8 have been amended. No new matter is introduced therein. Claim 7 has been canceled.

Applicants gratefully acknowledge that claims 1-4 and 9-14 have been allowed and that claim 8 has been indicated as allowable if rewritten into independent form. Accordingly, claim 8 has been rewritten to include all of the features of claim 7 and claim 7 has been canceled. Claim 8 is therefore now in condition for allowance.

Claims 5 and 6 have been rejected under 35 U.S.C. § 102(b) as anticipated by Vaughan et al. (U.S. Patent No. 5,771,022). The rejection is respectfully traversed. Claim 5 recites, in part, that "said at least one of said ungrounded antennas communicates with said ground plane via high-frequency waves." Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. *Carella v. Starlight Archery and Pro Line Co.*, 231 USPQ2d 644, 646 (Fed. Cir. 1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Although Vaughan does disclose a ground plane 3 behind its antennas (col. 3, lines 23-24), it does not disclose "at least one of said ungrounded antennas communicates with said ground plane via high-frequency waves." The Office Action impliedly acknowledges the failure of Vaughan to disclose that feature by failing to refer to anything in Vaughan describing such a feature. Accordingly, claim 5 is not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Vaughan.

Claim 6 has been rejected under 35 U.S.C. § 112, second paragraph, because it contains the term "symmetrical." Claim 6 has been amended by deleting the phrase "elements of said grounded antenna and said ungrounded antenna are symmetrical." Accordingly, applicants request that the § 112 rejection be withdrawn. Since claim 6 depends from claim 5, claim 6 is also not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Vaughan et al.

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The prior art made of record and not relied upon is not considered any more pertinent to applicants' disclosure than that already cited.

For all the foregoing reasons, applicants respectfully solicit allowance of claims 5, 6 and 8 in addition to previously allowed claims 1-4 and 9-14.

Respectfully submitted,

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SW/fp

Dated: June 4, 2003

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

June 4, 2003